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October 29, 2007

**VIA FAX (212) 805-7949**

Hon. P. Kevin Castel  
 United States District Judge  
 Southern District of New York  
 500 Pearl Street, Room 2260  
 New York, NY 10007

Re: *Bank of New York v. First Magnus Capital, Inc.  
 and Thomas W. Sullivan, Sr.  
 Civ. Action No. 07 Cv 8255 (PKC)*

Dear Judge Castel:

*Initial conference  
 adjourned from  
 November 2 to 11:00 a.m.  
 November 16, 2007  
 S.O. ORDERED  
 10/30/07  
 10/30/07*

We represent plaintiff The Bank of New York Trust Company, N.A., but we write on behalf of counsel for defendant First Magnus Capital, Inc. as well.

By Order dated September 27, 2007, the Court scheduled an initial pretrial conference in the above action for November 2, 2007 at 11:45 a.m.

Defendant Thomas W. Sullivan, Sr. disputes service of process and has not yet appeared. We have been in communication with his attorney and hope to file a stipulation within the next week setting forth an agreement as to service as well as expedited discovery.

In order to avoid confusion and duplication of effort, we and counsel for defendant First Magnus Capital, Inc. hereby jointly request an adjournment of the initial pretrial conference for two weeks, to November 16, 2007.

Respectfully,

*Kenneth G. Roberts*  
 Kenneth G. Roberts  
 For WOLF, BLOCK, SCHORR and SOLIS-COHEN LLP

cc (by email): Christopher H. Bayley, Esq.

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